

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

Baker, PM-PA
file
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6/12/81

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In the Matter of :

NOTICE OF VIOLATION

CARIBBEAN GULF REFINING CORPORATION :
(Bayamon, Puerto Rico) :

Docket No. RCRA II-81-0305

EPA Identification No. PRD000632182 :
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S I R S :

File
This is a Notice of Violation issued under the Solid Waste Disposal Act, as amended, 42 U.S.C. §6901 et seq. ("the Act"). [Note: Among the statutes amending the Act is the Resource Conservation and Recovery Act ("RCRA"), 90 Stat. 2795, P.L. 94-580 (1976).]

The Director of the Enforcement Division of the U. S. Environmental Protection Agency ("EPA"), Region II, has determined that Caribbean Gulf Refining Corporation ("the company"), has violated Section 3004 of the Act, 42 U.S.C. §6924 and the regulations promulgated thereunder, as hereinafter specified:

1. Caribbean Gulf Refining Corporation owns and operates a facility located at the Luchetti Industrial Development, Bayamon, Puerto Rico, ("the facility").

2. By notification dated August 5, 1980, the company informed EPA that it conducts activities at the facility involving "hazardous waste," as that term is defined in Section 1004(5) of the Act, 42 U.S.C. §6904(5) and in 40 CFR §261.3. By application dated November 5, 1980, the company requested a permit

to conduct its hazardous waste activities.

3. On or about November 19, 1980, an inspection was performed at the company's above-cited facility by authorized EPA employees pursuant to Section 3007 of the Act.

4. This inspection revealed that the company's facility was being used for the generation and storage of hazardous waste.

5. 40 CFR Part 265 sets interim status standards for treatment, storage and disposal facilities for hazardous wastes. These interim status standards apply until final administrative disposition of permit applications submitted by the owners of these facilities has been made. No such final disposition has been made with respect to the company's facility, and thus the standards of Part 265 apply to that facility.

6. 40 CFR §265.15 requires that the owner or operator of a hazardous waste treatment, storage, or disposal facility must develop and follow a written schedule for inspections of certain specified portions of its facility, such schedule to include, where appropriate, frequency of inspections. Although it appears that the company does conduct inspections, no such written plan existed at the time of the above-referenced inspection. Respondent is therefore in violation of 40 CFR §265.15.

Section 3008 of the Act authorizes the assessment of a civil penalty of up to \$25,000 per day for violations of statutory provisions or relevant regulations. The determination of whether a penalty is to be imposed is based

upon the nature and seriousness of the violation and any good faith efforts to comply with the applicable requirements. It has been determined in this case that no penalty will be imposed for the violations cited above.

It is the company's responsibility to correct all violations cited herein as expeditiously as possible. Should the cited violations be discovered at the company's facility during future inspections, it is likely that an action for the assessment of a civil penalty will be initiated. Furthermore, this Notice in no way precludes future enforcement actions for any other violations.

Please confirm in writing within sixty (60) days of your receipt of this Notice that the above-cited violation has been corrected. This confirmation should be addressed to Bruce R. Adler, Attorney, General Enforcement Branch, Enforcement Division, 26 Federal Plaza, New York, New York 10278. Should you have any questions about this Notice or should you wish to discuss this matter further, please contact Mr. Adler at (212) 264-9898.

Dated: New York, New York

6-12 , 1981

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JULIO MORALES-SANCHEZ
Director, Enforcement Division
U. S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

TO: Mr. L. G. Walker
Executive Vice President
Caribbean Gulf Refining Corporation
G.P.O. Box 1988
San Juan, Puerto Rico 00936

cc: Pedro Gelabert, Chairman
Environmental Quality Board
of the Commonwealth of Puerto Rico

bcc: Ron Testa, 2WA-SW
William Friedman, 2ENF-GE
Richard Baker, 2PM-PA✓
Ed Kurent, (EN-335)